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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,537	10/08/2003	Steven W. Gomas	126361.0101	7477

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Pepper Hamilton LLP
50th Floor, One Mellon Center
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EXAMINER

HARPER, V PAUL

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,537

Applicant(s)

GOMAS ET AL.

Examiner

V. Paul Harper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/08/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The Examiner has considered the references listed in the Information Disclosure Statement dated 10/08/2003. A copy of the Information Disclosure Statement is attached to this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-9, 12-22, and 24-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al. (U.S. Patent 5,721,827), hereinafter referred to as Logan.

Regarding **claim 1**, Logan discloses a system for electronically distributing personalized information. Logan's system includes the following:

- a user interface adapted to be operated by a print-disabled individual (col. 10, lines 51-55, an audio menu; col. 12, lines 16-20, a microphone for accepting voice commands);
- a memory that contains a database of content (Fig. 1, item 107, col. 3, lines 5-10);

Art Unit: 2654

- a text-to-speech converter (col. 3, lines 15-18, abstract); and
- an audio output (Fig. 1, items 110 and 113).

Regarding **claim 2**, Logan teaches everything claimed, as applied above (see claim 1); in addition, Logan teaches that “the content comprises compressed audio format content files and compressed text format content files” (col. 3, lines 5-18).

Regarding **claim 3**, Logan teaches everything claimed, as applied above (see claim 2); in addition, Logan teaches that “the device is configured to decompress the text format content files and the text-to-speech converter is configured to deliver the decompressed text format content files in audio format in response to a user input” (col. 3, lines 15-20; col. 4, lines 58-65).

Regarding **claim 5**, Logan teaches everything claimed, as applied above (see claim 2); in addition, Logan teaches that “each audio format content file and each text format content file is associated with at least one index file that is stored in the memory” (Fig. 5, col. 17, lines 10-15).

Regarding **claim 6**, Logan teaches everything claimed, as applied above (see claim 5); in addition, Logan teaches that “when a user selects an audio content format file, the text-to-speech converter is programmed to convert selected non-audio format information associated with the audio content format file into an audio format and

Art Unit: 2654

present the converted selected information to the user as text-to-speech (col. 3, lines 14-20).

Regarding **claim 7**, Logan teaches everything claimed, as applied above (see claim 2); in addition, Logan teaches “a decompression module that decompresses a user-selected compressed audio format content file or text format content file in real time during presentation of the file in audio format to a user” (col. 3, lines 1-18, playing audio files that are compressed necessarily involves a decompression step).

Regarding **claim 8**, Logan teaches everything claimed, as applied above (see claim 1); in addition, Logan teaches the use of “a communication means that receives content updates from a remote computing device” (Fig. 1, items 123, 121, and 117; col. 6, line 45 through col. 7, line 21).

Regarding **claim 9**, Logan teaches everything claimed, as applied above (see claim 1); in addition, Logan teaches “a processor programmed with time scale modification functions that adjust a delivery speed of the content when the content is presented to a user through the audio output” (col. 7, lines 44-45; col. 8, lines 60-61).

Regarding **claim 12**, Logan discloses a system for electronically distributing personalized information. Logan’s system includes the following:

Art Unit: 2654

- a server that includes a server content database and a server subscriber database (Fig. 1, "Program Data Library", item 143; Fig. 2)
- one or more portable electronic devices, each portable electronic device in communication with the server (Fig. 1, item 103; col. 3, lines 1-2, a laptop is a portable electronic device).

The remaining limitations are similar to those found in claim 1 and are rejected for the same reasons.

Regarding **claim 13**, Logan teaches that "each portable electronic device is programmed to periodically communicate with the server, receive an update from the server content database, and update the device content database with the update from the server content database" (Fig. 2, col. 1, lines 38-47; col. 2, line 3, col. 5, lines 20-37).

Regarding **claim 14**, Logan teaches everything claimed, as applied above (see claim 12; in addition, Logan teaches that "the content database of the portable device comprises compressed audio format content files and text format content files" (col. 3, lines 5-18).

Regarding **claim 15**, Logan teaches everything claimed, as applied above (see claim 14); in addition, Logan teaches the use of an "audio file generator in

communication with the server, wherein the audio file generator pre-processes the compressed audio format content files” (Fig. 6, step before step 440).

Regarding **claim 16**, Logan teaches everything claimed, as applied above (see claim 12); in addition, Logan teaches the use of “at least one communications link between the server and a plurality of remote content providers, wherein at least a portion of the content in the server content database has been received from the plurality of remote content providers via the at least one communications link” (Fig. 4, item 315, col. 4, lines 58-61; col. 12, lines 35-45).

Regarding **claim 17**, this claim has limitations similar to claim 9 and is rejected for the same reasons.

Regarding **claim 18**, this claim has limitations similar to those in claims 9, 12 and 13 and is rejected for the same reasons.

Regarding **claim 19**, this claim has limitations similar to those in claim 15 and is rejected for the same reasons.

Regarding **claim 20**, this claim has limitations similar to those in claim 16 and is rejected for the same reasons.

Regarding **claim 21**, this claim has limitations similar to those in claim 5 and is rejected for the same reasons.

Regarding **claim 22**, this claim has limitations similar to those in claim 13 and is rejected for the same reasons.

Regarding **claim 24**, Logan teaches everything claimed, as applied above (see claim 18); in addition, Logan teaches that “in response to a request from a user to receive a content file, verifying that the user is authorized to receive the requested content file” (col. 10, lines 9-20).

Regarding **claim 25**, Logan discloses a system for electronically distributing personalized information. Logan’s system includes the following:

- at least one volume control (col. 3, lines 29-31);
- a document library control (Fig. 5, col. 7, lines 13-45; col. 13, line 55 through col. 14, line 41)
- a table of contents control for selecting a table of contents in the document library (Fig. 5)
- a document selection control (Fig. 5, col. 7, lines 13-45); and
- a plurality of navigation controls for navigating through the document library and through individual documents selected from the library (col. 13, line 55 through col. 14, line 41).

Regarding **claim 26**, Logan teaches everything claimed, as applied above (see claim 25); in addition, Logan teaches the use of “at least one bookmark control” (col. 14, line 41-45).

Regarding **claim 27**, Logan teaches everything claimed, as applied above (see claim 25); in addition, Logan teaches that “the plurality of navigation controls include a forward control and a back control (col. 13 line 55 through col. 14, line 41, SKIP--forward, BACK commands).

Regarding **claim 28**, Logan teaches everything claimed, as applied above (see claim 25); in addition, Logan teaches that “the plurality of navigation controls include a document start control and a document end control” (starting col. 12, “User Playback Controls, “GO”, Skip, col. 12, lines 21, interrupt playback).

Regarding **claim 29**, Logan discloses a system for electronically distributing personalized information. Logan’s system includes the following:

- a plurality of content files, wherein the content files include text format files and audio format files (Fig. 1, items “Program Data Library”, including Catalog, item 107, col. 3, lines 1-16);

Art Unit: 2654

- a plurality of index files, wherein at least one index file is associated with one of the content files, and wherein the at least one index file includes data corresponding to a plurality of locations within the associated content file. (Fig. 1, Catalog; Figs. 4 and 5).

Regarding **claim 30**, Logan teaches everything claimed, as applied above (see claim 29); in addition, Logan teaches “the content files is associated with at least one library, and wherein each library includes a table of contents (Fig. 1, Catalog, col. 2, lines 5-10; Fig. 5).

Regarding **claim 31**, Logan teaches everything claimed, as applied above (see claim 29); in addition, Logan teaches that “each index file further includes data corresponding to a title of the associated content file” (col. 17, line 60 through col. 18, line 9).

Regarding **claim 32**, Logan teaches everything claimed, as applied above (see claim 29); in addition, Logan teaches that the system includes “at least one catalog file, wherein the catalog file includes data corresponding to a plurality of available content files (Fig. 1, Catalog; col. 4, lines 25-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2654

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Kiraly et al. (U.S. Patent 6,324,511), hereinafter referred to as Kiraly.

Regarding **claim 4**, Logan teaches everything claimed, as applied above (see claim 2), but Logan does not specifically teach that “the text format content files have been pre-processed to filter material that is not necessary for text-to-speech conversion.” However, the examiner contends that this concept was well known in the art, as taught by Kiraly.

In the same field of endeavor, Kiraly discloses a method for multimodal information presentation to computer users with a visual impairment. In addition, Kiraly teaches the use of filters to filter out text that will be processed by text reader software (col. 14, lines 41-51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the filtering, as taught by Kiraly, because it is well known in the art at the time of invention for the purpose of eliminating extraneous content (Kiraly, col. 14, line 46).

Regarding **claim 11**, Logan teaches everything claimed, as applied above (see claim 1), but Logan does not specifically teach that “the print-disabled individual is at least one of blind, visually impaired, dyslexic, or of less than complete literacy.”

Art Unit: 2654

However, the examiner contends that this concept was well known in the art, as taught by Kiraly.

In the same field of endeavor, Kiraly discloses a method for presentation of information to computer users with dyslexia, reading disabilities or visual impairments (title). Kiraly further teaches that one approach is to read text-based data with a synthesizer (col. 14, lines 41-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan by specifically providing support for print-disabled individuals, as taught by Kiraly, because it is well known in the art at the time of invention that such individuals need to use computers for support (Kiraly, col. 1, line 65 through col. 2, line 20).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Tjaden (U.S. Patent 6,122,617), hereinafter referred to as Tjaden.

Regarding **claim 10**, Logan teaches everything claimed, as applied above (see claim 1), but Logan does not specifically teach the use of a "decryption module that, when a user selects a content file that is encrypted, decrypts the selected content file. However, the examiner contends that this concept was well known in the art, as taught by Tjaden.

In the same field of endeavor, Tjaden discloses a personalized audio information delivery system that uses text-to-speech synthesis and encryption (Tjaden, col. 3, lines 5-10; col. 5, lines 5-10 and 60-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the encryption capability, as taught by Tjaden, because it is well known in the art at the time of invention for the purpose of providing privacy over data transport networks (Tjaden, col. 5, lines 8-10).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Kikinis (U.S. Patent 6,055,566), hereinafter referred to as Kikinis.

Regarding **claim 23**, Logan teaches everything claimed, as applied above (see claim 18), but Logan does not specifically teach “the step of periodically updating is performed by providing the user with a replacement memory that contains the updated text format content files and audio format content files. However, the examiner contends that this concept was well known in the art, as taught by Kikinis.

In the same field of endeavor, Kikinis discloses a customizable media player with online/offline capabilities. Kikinis’s system includes removable memory that can store documents used for text-to-speech (col. 2, lines 41-50, col. 6, lines 10-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan by specifically providing replacement

Art Unit: 2654

memory, as taught by Kikinis, because it is well known in the art at the time of invention for the purpose of allowing updates while the device is offline.

Citation of Pertinent Art

6. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Said et al. (U.S. Patent Application Publication 2004/0143430 A1) teach the use of outputs accessible by people with disabilities.
- Smith, et al. ("Flex Voice DiSP –Text to Speech Distributed Speech Processing) teach the use of distributed speech processing for visually impaired individuals.

Conclusion

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703)

Art Unit: 2654

305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.



VPH/vph
September 2, 2004


**VIJAY CHAWAN
PRIMARY EXAMINER**